

Docket No.: D099088

**REMARKS****I. INTRODUCTION**

Claims 14, 21, 22, 24, 26, and 33 have been amended. Claims 34-37 have been added. Claims 1-13 have been previously canceled. Thus, claims 14-37 are pending in the present application. No new matter has been added. In view of the above amendments and following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

**II. THE 35 U.S.C. § 112(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 21-23 were rejected under 35 U.S.C. § 103(a), second paragraph, as depending from a previously cancelled claim. (*See* 08/03/04 Office Action, p. 3, ¶ 2). Applicant submitted a previous amendment correcting the dependence of these claims. However, that amendment was not entered by the Examiner. Thus, the applicant represents the amendments to correct the dependence of these claims to depend from pending claim 14. Thus, the rejection of these claims under 35 U.S.C. § 103(a), second paragraph, should be withdrawn.

**III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 14-17, 21-28, and 32-33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,389,056 to Kanterakis et al. ("Kanterakis") in view of U.S. Patent No. 6,400,752 to Suzuki et al. ("Suzuki"). (*See* 08/03/04 Office Action, p. 3, ¶ 3).

Kanterakis relates to an improvement to code-division-multiple-access ("CDMA") system employing spread-spectrum modulation. (*See* Kanterakis, Abstract).

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Specifically, Kanterakis describes a system for transmitting packets from a remote station to a base station via an uplink transport channel without the need to obtain a two-way link with the base station. (*See Id.*, col. 2, ll. 56-63). The base station, acting as an initiator for establishing the data link with the remote station, first transmits a common-synchronization channel which is common to a plurality of remote stations communicating with the base station. (*See Id.*, col. 5, ll. 45-50). In response to the transmission from the base station, one of the remote stations transmits an access-burst signal. (*See Id.*, col. 5, ll. 58-67). The base station receives the access-burst signal and transmits an acknowledgement signal ("ACK signal") in response, wherein the ACK signal is only sent when access-burst signal has sufficient power level detected by the base station. (*See Id.*, col. 6, ll. 36-46). Finally, the remote station receives the ACK signal and transmits a spread-spectrum signal having data to the base station. (*See Id.*, col. 6, ll. 53-60). Thus, the system according to Kanterakis describes the base station as the initiator of the data link between the base station and the remote station. Furthermore, the remote station of the Kanterakis system performs a first transmission of an access-burst signal only in response to the initial transmission of the common-synchronization channel from the base station, and then performs a second transmission of a spread-spectrum signal only in response to the acknowledgement signal.

Suzuki relates to a wireless network communication system and method in which the wireless channel can be determined by selecting a vacant pseudonoise ("PN") or spreading code. (*See Suzuki, Abstract*). First, a host terminal detects PN codes being used as a wireless channel by a group. (*See Id.*, col. 18, ll. 46-55). The host terminal next selects one of the PN codes not used by another group, and assigns this PN code for use by its own group and

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